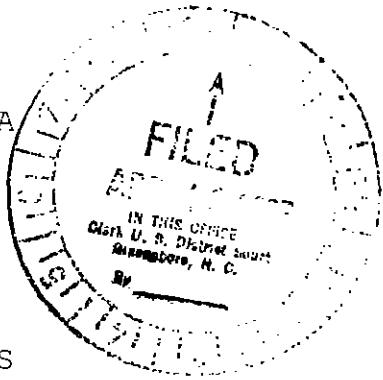


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA : 1:07CR43-1
: 
v. :
: FACTUAL BASIS
DANILO QUESADA-GUERRERO :
:

NOW COMES the United States of America, by and through Anna Mills Wagoner, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Federal Rules of Criminal Procedure, states the following:

During October of 2005, narcotics detectives with the Greensboro Police Department received information from a Confidential Source (CS) that Daniilo Quesada Guerrero (Defendant GUERRERO) was keeping and selling large quantities of narcotics at his residence located off of High Point Road in Greensboro, North Carolina. The source also advised that Defendant GUERRERO drove a grey Nissan Titan pick-up truck. Subsequent surveillance, Division of Motor Vehicle checks, and a reported home invasion by Defendant GUERRERO's wife, Nayda Torres Avila, in December of 2005, confirmed that Defendant GUERRERO used the residence at 2810 Dexter Avenue.

On March 27, 2006, narcotics detectives were conducting surveillance of the Nissan Titan, being operated by Defendant GUERRERO. Defendant GUERRERO drove two other Hispanic males to a trailer park in the 4300 block of Old Liberty Place in

Greensboro, and parked next to a tractor trailer. Several minutes later, Defendant GUERRERO drove from the tractor trailer and pulled in between trailers #83 and #84 in the trailer park and parked his vehicle. The investigation revealed that trailer #84 had been purchased by "Amado Sosa-Dominguez." A Hispanic male took two bags from the trailer or the tractor trailer and placed them in the trunk of a white Honda automobile with temporary California registration that was parked in front of the tractor trailer. The Honda and the Nissan Titan then left the area and traveled in tandem until the Honda was stopped by law enforcement and the occupants of the vehicle were identified as Jose Antemio Olguin Valles (driver, El Monte, California), Francisco Vargas Ayala (Los Angeles, California) and Heberto Villareal (El Paso, Texas). A criminal history check indicated that Valles had a prior narcotics arrest in California.

During the days following March 27, the detectives conducted surveillance of Defendant GUERRERO, Amado Sosa-Dominguez and the individuals they met with as part of the investigation.

On April 10, 2006, the Nissan Titan, occupied by Defendant GUERRERO and two other hispanic males, traveled to a gas station, filled a large bucket with diesel fuel and then transported the fuel to the tractor trailer located at the trailer park, 4309 Old Liberty Place. One of these subjects was observed putting fuel into the tractor. During this time, a marked Guilford County

Sheriff's patrol car drove into the trailer park. Upon sighting of the deputy, Defendant GUERRERO hurriedly walked off from the area of the tractor trailer, while one of the other Hispanic males was observed hiding under the tractor trailer. The patrol vehicle eventually left the trailer park.

During the evening of April 10, 2006, two males were observed to be sleeping in the cab of the tractor trailer, where such activity had not been observed previously. During this investigation, none of the subjects involved were observed to be engaged in any type of gainful employment.

On April 11, 2006, surveillance team members advised that the tractor trailer, bearing California tag 4GL5283, was observed leaving from the trailer park. Surveillance continued on the tractor trailer, resulting in a traffic stop at approximately 7:23 a.m., on I-85 south near the Spencer, NC exit. The driver of the tractor trailer was identified as Francisco Vargas Ayala, Hispanic male, the same subject who had been observed during the previous surveillances. Officers conducted a consent search of the tractor trailer, but nothing was located as a result of this search. The vehicle and its occupants were released.

Telephone tolls from Ayala's telephone indicate that he made three calls to Guerrero between 8:03 a.m. and 8:07 a.m. Additionally, there were telephone calls between Guerrero and Flores between 8:04 a.m. and 8:05 a.m. At approximately 8:13

a.m., Detective B.S. Williamson, who had been maintaining surveillance of 4309 Old Liberty Pl. #84, advised via the police radio that he observed a Hispanic male exiting the trailer. Detective Williamson advised that Francisco Javier Ordunc Flores carried a rifle and a plastic shopping bag from the trailer into the thicket behind the trailer.

At approximately 8:40 a.m., members of the surveillance teams began seeing movement at some of the involved locations. The Nissan Titan was observed to be parked in the driveway of 2206 Hubert St. However, at this time, someone from the residence pulled the Titan further into the driveway, towards the back of the house. At approximately the same time, the white Dodge Ram was observed to be leaving from 2295 Hwy 66 S, Kernersville, NC. Surveillance advised that the Hispanic male driver of this vehicle was looking all around as he was driving. The Dodge Ram was observed making a loop around the surrounding area/neighborhood and then returning back to the residence.

At approximately 8:54 a.m., the Nissan Titan left from 2206 Hubert St. The Titan was observed taking a very indirect route to the area of 2810 Dexter Ave. However, the Titan did not stop at the Dexter Ave. residence, but continued driving past. The Titan then returned to the neighborhood area near Hubert Street and drove around this area, before finally continuing on to 2810

Dexter Ave. While this was going on, a Dodge Ram truck was observed leaving again from 2295 Hwy 66 S, Kernersville, NC.

At approximately 9:17 a.m., the Dodge Ram turned onto Dexter Avenue from High Point Rd. However, the vehicle pulled into the parking lot of the Olive Garden and did a u-turn before continuing on to 2810 Dexter Ave.

At approximately 9:45 a.m., a Nissan Maxima was observed arriving at 2810 Dexter Ave.

Due to concern that the driver of the tractor trailer that was stopped by Highway Patrol may contact individuals at 4309 Old Liberty Pl., trailer #84, detectives approached that residence and requested consent to search. Consent to search was granted and a Norinco 7.62 X 39 caliber semiautomatic rifle, model SKS, serial number 1200373C and plastic shopping bag containing packaging materials were located in the wooded area adjacent to the trailer.

At approximately 11:00 a.m., Defendant GUERRERO, Defendant SOSA-DOMINGUEZ, and Arley Lovaina were observed exiting from 2810 Dexter Ave. and leaving in the Nissan Titan. A Greensboro Police patrol unit attempted to stop the Nissan Titan, but the Titan failed to stop and a vehicle pursuit ensued. The pursuit ended when the Titan was involved in a vehicular accident at 3702 Wedgedale Place, Greensboro, NC. All of the occupants of the Titan fled the scene on foot. Lying on the ground beside the

front passenger door, two semi-automatic assault rifles were found: a Norinco 7.62 X 39 caliber semiautomatic rifle, model SKS, serial number 24002510A; and a Norinco 7.62 X 39 caliber semiautomatic rifle, model SKS, serial number 22001905A. During a search of the interior of the Nissan Titan, detectives located a blue backpack, on the rear passenger floorboard, behind the driver's seat. Within this backpack were eight packages containing kilogram amounts of suspected cocaine. According to the DEA Laboratory Report, the packages contained 7.762 kilograms (net weight) of cocaine hydrochloride. Also in the backpack was a blue nylon bag that contained an open plastic bag with 155.1 grams (net weight) of cocaine hydrochloride. The front pockets of the backpack was a tied plastic bag with smaller green baggies that contained 58.8 grams (net weight) of cocaine hydrochloride. One of the small green baggies contained 1.8 grams (net weight) of cocaine base. Within a separate Ziploc bag, detectives located 0.13 grams (net weight) of cocaine hydrochloride. Also in the backpack, detectives found \$13,020.00 in United States currency and a set of digital scales.

During the foot chase of the three suspects, Defendant GUERRERO, brandishing a firearm, and unsuccessfully attempted a carjacking of the driver of a minivan. When they apprehended him, officers located a loaded black Smith & Wesson .38 caliber revolver, model 36, serial number 491701, lying on the ground

near Defendant GUERRERO, and located a loaded Titan .25 caliber semiautomatic pistol, serial number D60373 in his front pants pocket. Defendant SOSA-DOMINGUEZ was also arrested. Arley Lovaina escaped.

Defendant GUERRERO waived his Miranda rights and admitted that he knew law enforcement had stopped the tractor trailer, because he had telephone contact with the truck driver, whom he knew as Francisco. Defendant GUERRERO stated that he knew the tractor trailer had been searched, but that nothing had been found. However, he stated that the tractor trailer did contain money, the payment for thirty kilograms of cocaine. Defendant GUERRERO stated that when the tractor trailer arrived in Greensboro, it had a load of one hundred kilos of cocaine. Defendant GUERRERO stated that the cocaine had been kept in the trailer (referring to 4309 Old Liberty Pl., #84), but that now it was all gone.

This the 9th day of April, 2007.

Respectfully submitted,

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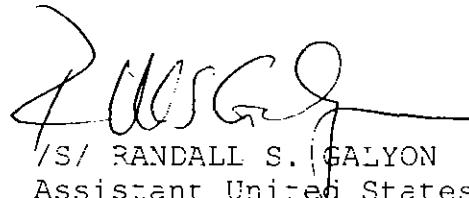
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CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2007, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Charles L. White
POB 9518
Greensboro, NC 27429



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